

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 291 – HB 387

February 19, 2009

SUMMARY OF BILL: Creates a Class C misdemeanor for any person who possesses an open container of an alcoholic beverage while occupying the passenger area of a vehicle that is on a public highway or right-of-way of a public highway. Drivers of vehicles who possess open containers of alcoholic beverages while operating motor vehicles on the roadway remains a Class C misdemeanor. Both offenses become punishable by a mandatory \$50 fine. Requires the courts to defer further proceedings for certain individuals without entering judgments of guilty against the defendants for a period of six months under certain circumstances.

ESTIMATED FISCAL IMPACT:

Increase State Revenue – \$30,600

Increase State Expenditures – Not Significant

Increase Local Revenue – \$1,600

Increase Local Expenditures – Not Significant

Assumptions:

- According to the Department of Safety (DOS), there are approximately 650 annual violations for driving while possessing an open container of an alcoholic beverage. DOS estimates the fine for such offenses to average \$40 under current law.
- DOS estimates approximately 675 additional offenses per year for persons possessing open containers of alcoholic beverages while occupying the passenger area of motor vehicles which are on the roadway.
- The increase of fines issued is estimated to be \$40,300 $[(650 \times \$10 \text{ increase}) + (675 \times \$50) = \$40,250]$ per year.
- Twenty percent will not pay fines due to indigence.
- The increase of fine revenue is estimated to be \$32,200 per year $(\$40,300 \times 80\% = \$32,240)$.
- County clerks receive five percent of fine revenue as commission.

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- The increase of local government revenue attributable to fines is estimated to be \$1,600 per year ($\$32,200 \times 5\% = \$1,610$).
- The increase of state revenue attributable to fines is estimated to be \$30,600 per year ($\$32,200 - \$1,600 = \$30,600$).
- Any increase to state or local government expenditures is estimated to be not significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/rnc